

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Michael E. Hamm, # 96922,
aka Michael Eugene Hamm,
formerly # 05052604,

Petitioner,

vs.

State of South Carolina; Henry McMaster,
Attorney General of South Carolina; and
LeVern Cohen, Warden of Ridgeland
Correctional Institution,

Respondents.

C.A. No. 0:06-2942-HMH-BM

OPINION & ORDER

This matter is before the court on a motion by Michael E. Hamm (“Hamm”) for leave to proceed in forma pauperis (“IFP”) on appeal. Hamm was granted leave to proceed IFP before this court on October 31, 2006. As there is no statute preventing Hamm from proceeding IFP, and this court has neither certified that Hamm’s “appeal is not taken in good faith” nor found that Hamm is otherwise prohibited from proceeding IFP, Hamm need not seek further authorization from this court to proceed IFP. Fed. R. App. P. 24(a)(3). Because he has already been authorized to proceed IFP and there are no intervening circumstances which require this court to re-authorize him to proceed IFP, Hamm’s motion to proceed IFP on appeal is moot.

It is therefore

ORDERED that Hamm's motion to proceed IFP is dismissed as moot.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 26, 2007